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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,121	03/19/2001	Ichiro Hamada	SONY JP-121	3037
530	7590	10/05/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/744,121

Applicant(s)

HAMADA ET AL

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I (claims 1-9) in the reply filed on 07/14/2005 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being unpatentable by Lajoie et al. (US 5850218).

Claim 1, Lajoie discloses a broadcasting equipment for multiplexing downloadable contents data together with program information onto a main broadcast signal and broadcasting resultant data (Fig.1), characterized by comprising:

purchase limit time setting means for setting purchase limit time for the contents data (reads on set time in which user could buy a PPV program, i.e., "Buy until 8:15 PM; Fig. 28, el. 544; Col. 31, lines 1-32);

generating means for generating the program information including the purchase limit time (reads on display information that include time period in which user could purchase a PPV program; See Fig. 28, el. 544); and

multiplexing means for repeatedly multiplexing the same contents data and the program information a plurality of times onto the main broadcast signals of broadcasting time of one program, thereby generating a transport stream (reads on the display message of el. 544 is inherently cyclically transmitted to users such PPV information/service along with updating information within that period of time; Col. 10, lines 25-55).

Claim 2, Lajoie further discloses characterized in that the purchase limit time setting means sets timing at which downloading of the contents data of a time immediately preceding the final time among the plurality of times can be instructed as the purchase limit time (see Fig. 28, el. 556 and 562 in which the PPV content is downloaded immediately preceding the final time of the count down so the receiver able to display the PPV content to user; Col. 31, lines 18-26) .

Claim 3, Lajoie further discloses wherein the contents data includes audio data encoded by the ATRAC system or audio data encoded by the MPEG-2 system (Col. 10, lines 29-40 and Col. 14, lines 1-40).

Claims 4, 5 are analyzed with respect to claim 1.

Claim 6, Lajoie discloses a receiving equipment for receiving a transport stream obtained by repeatedly multiplexing downloadable contents data together with program information onto a main broadcast signal a plurality of times (Fig. 3), characterized by comprising:

receiving means GUI with selected items, as shown on Fig. 28 and 30 for example in which the user use a RC to select)for receiving an instruction of downloading the contents data from the user;

capturing means (Fig. 3, el. 41,42) for capturing the contents from the transport stream in response to the download instruction received by the receiving means (reads on display PPV content on the screen to user; see Fig. 28; el. 562);

re-executing means for re-executing capture of when the capturing means fails to capture the contents (see Fig. 30, el. 580, 584, 586; Col. 31, lines 55-Col. 32, lines 7) ;

the contents extracting means (Fig. 3, el. 37-38) for extracting the program information corresponding to the contents data from the transport stream (display on the screen requested PPV program to user, as shown in Fig. 28 and 30); and

stopping means for stopping the receiving process of the receiving means in accordance with purchase limit time included in the program information (the PPV program ended at 10:00 o'clock for a duration of 2hrs, as indicated by el. 544 in Fig. 28).

Claim 7, Lajoie further discloses that the contents data includes audio data encoded in the ATRAC system or audio data encoded in the MPE-2 system (Col. 10, lines 29-40 and Col. 14, lines 1-40).

Claims 8 and 9 are analyzed with respect to claim 6.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/744,121  
Art Unit: 2611

Page 6

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09/29/2005

A handwritten signature in cursive script, appearing to read "HAITRAN", is written over two horizontal lines.

**HAITRAN  
PRIMARY EXAMINER**